North Dakota Dual Status Youth Initiative

PROTOCOL AND PRACTICE GUIDE

October 2021

Introduction:

North Dakota Dual Status Youth Initiative

The North Dakota Dual Status Youth Initiative is a result of a multi-year collaboration between court and child welfare agencies with the support of the Robert F. Kennedy Foundation (RFK) and recommended by the Counsel of State Governments. The executive summary of the collaborative work found that the lifetime prospects for youth in North Dakota are significantly impaired if they are simultaneously involved in the state's child welfare and juvenile justice systems. Youth in this situation are referred to as dual status youth.

After receiving a report and recommendations from the Robert F. Kennedy Foundation, an Executive Committee made up of representatives of its various stakeholder groups and subgroups worked together to develop a protocol that outlines how to collectively serve ND children and families more effectively. The protocol outlines standardized cross-system practices for staff to follow throughout the human service zones and court systems. Practices include agency coordinated care, trauma informed care, developmentally appropriate interventions and therapeutic interventions. These practices aim to change the trajectory of a child's case and to prevent the youth from entering or becoming further involved in the juvenile justice and child welfare system.

As stated in the executive summary of the Robert F. Kennedy North Dakota Dual Status Initiative Report, "Despite these troubling outcomes and very real obstacles, there is reason for optimism. Dual status youth – like all children and youth – are highly responsive to therapeutic interventions, trauma informed care and developmentally appropriate interventions." System reforms are imperative to provide the best long-term outcomes for our youth. If we as a state can invest in providing the dual status youth population with high quality front-end care and interventions we can ensure a better future for North Dakota's youth and families.

Who are Dual Status Youth?

Dual status youth are youth who have been involved in both the child welfare and juvenile justice systems in North Dakota. This includes youth who have active involvement in one system with concurrent involvement and/or history in the other system within one year.

Dual Status Youth Overview and Goals

Young people who have been abused or neglected are more likely to engage in delinquent behavior and often have poorer outcomes than youth who have not experienced maltreatment. Research suggests that dual status youth have experienced complex trauma at a higher rate than general population youth. For many of these youth, exposure to these traumatizing experiences causes behavior problems, resulting in contact with the juvenile justice system.

Once involved with the juvenile justice system, dual status youth are more likely to be detained, detained for longer periods of time, and are more likely to be formally processed and placed outside the home than youth without child welfare involvement. Detention, court processes, and placement are costly interventions. These interventions often contribute to retraumatization of dual status youth — subjecting them to interruptions in their education, placements, and services. In addition, research shows that dual status youth experience poor long-term outcomes despite these traditional interventions. The dual status youth protocol provides a way to interrupt this trajectory and better address the needs of youth known both to the juvenile justice and child welfare systems.

Although both child welfare and juvenile justice systems serve different functions, they have the same goal: improving the lives of children and families. The dual status youth protocol helps both systems become more efficient and effective, which in turn helps the youth and families achieve their goals. The dual status youth initiative and protocol works to improve collaboration, communication, and exchange of information between agencies so once children are identified as dual status we can help support them from going further into the

both systems. This is accomplished by increasing interagency information sharing and establishing child and family centered multidisciplinary policies and practices.

An information sharing MOU was created and executed between the North Dakota judicial branch and the Department of Human Services, allowing for the identification of dual status youth and initial communication between juvenile court officers and Human Service Zones. In January 2019 child welfare and juvenile court began following the DSYI protocol to address needs of dual status youth by collaboratively sharing information between both systems and providing a multidisciplinary team approach when working with the families.

Once a child has been identified as a dual status youth, child welfare and juvenile court work together to engage with the family to coordinate and participate in Family Centered Engagement meetings (FCEs) which are provided by the Village Family Services. On July 1st, 2020 the opportunity for FCE meetings became available statewide. The meetings consist of a facilitated team process that includes participation from parents, extended family, children, service providers, child welfare staff and juvenile court staff to make critical decisions regarding the safety and well-being of the child to achieve the safest and least restrictive outcomes that are in the best interest of the dual status youth.

The overarching goals of the meetings include:

- Improving family engagement
- Empowering parents to safety plan with support services
- Reducing the number of children entering foster care
- Increasing the number of children remaining safely in their homes
- Increasing relative placement for children who are removed

It is expected that, over time jurisdictions involved in this process will utilize the dual status youth protocol in meaningful ways to achieve the following results:

- Ensure early identification of youth needs and better matching to those needs
- Develop mechanisms to share information consistently and in a timely fashion among system partners

- Cross-systems engagement related to case management functions
- Strong and consistent family engagement throughout the life of the case
- Effective/consistent engagement of families and treating the needs of the whole family
- ❖ Focus on the best interest of the child rather than his or her status as child in need of protection (CHIPS) or delinquent
- Making better connections for youth within their communities
- Increased youth safely maintained in the home
- Increased stability in placement
- Decrease in confirmed maltreatment and impending danger
- Reduction in subsequent delinquent referrals
- Decrease informal adjudications



Practice and Protocol

Dual Status Youth Liaisons:

In order to achieve the best possible oversight and coordination of dual status youth cases, human service zones and juvenile court have designated a "DSY Liaison" in each of their perspective areas. Research has shown that this approach improves communication across agencies, facilitates cross-training and improves the experience for youth and families. Roles and responsibilities of the DSY Liaison include:

- Serving as a point of contact (along with designee) for dual status youth notifications
- Developing a clear understating of the DSYI practice and protocol
- Clarifying policies and practice to agency staff
- Attending any trainings and be local champion on DSYI
- Participating in quarterly DSYI workgroup meetings to discuss practice and protocol
- Ensuring that child welfare agency staff and juvenile court officers have a full understanding of their role and responsibilities when working with dual status youth

Agency Staff Expectations:

In order to achieve the best possible oversight and coordination of dual status youth cases, human service zone and juvenile court staff will be informed by the DSY Liaison to engage with the partner agency (either human service zone or juvenile court) to discuss the dual status case. Roles and responsibilities of the agency staff include:

Human Service Zone: CPS, IH or FC Case Manager

- Assigned worker must review the FRAME data indicating the child was DSY.
- If the case action was most recently opened in FRAME (CPS, IH or FC), the Zone worker will contact juvenile court
- Have a conversation with the juvenile court officer to discuss the youth to share pertinent information
- Determine if a referral to FCE is necessary
- > Review the goals of the current plan

- Attend FCE meeting
- Monitor the case and schedule a follow up meeting within 30 days of the initial FCE

❖ Juvenile Court: Court Officer

- Assigned worker must review the CMS data indicating the child was DSY
- ➤ If the case action was most recently opened in CMS, the juvenile court worker will contact the human service zone
- ➤ Have a conversation with the Zone worker to discuss the youth to share pertinent information
- Determine if a referral to FCE is necessary
- Attend FCE meeting
- Monitor the case and schedule a follow up meeting within 30 days of the initial FCE

Identification and Documentation of Dual Status Youth:

North Dakota has executed an information sharing MOU between the North Dakota judicial branch and the Department of Human Services, allowing for the identification of dual status youth and initial communication between juvenile court officers and human service zones.

❖ Weekly DSY Notifications: Human services zones and juvenile court providers have access to the ND DSYI database where they can identify a dual status youth. An automated report is generated cross referencing the juvenile court CMS database and Department of Human Services (DHS) FRAME database. The report combines data from both databases, matching youth who meet the criteria of dual status − current involvement in one system with concurrent and/or history of involvement in the other. The dual status youth identification report is available at any time, but we ask each DSY Liaison to check the report at least twice a week on Mondays and Thursdays. The DSY Liaison facilitates communication of the matched DSY to the appropriate contacts via email addresses designated by the juvenile court and zone liaisons. The dual status youth notifications must be sent at a minimum of twice per week.

Documentation (CMS and Odyssey Flags)

CMS Flag: When a youth is identified as a dual status youth, the youth will be designated as DSY within the juvenile court CMS database by the juvenile court DSY Liaison or designee. This must be flagged in the CMS Officer Safety Tab once a youth is identified as DSY to help expedite actions on behalf of the dual status youth.

Odyssey Case Flag: Once identified and flagged in CMS, the juvenile court officer III will flag the associated formal Odyssey case (Child in need of protection or delinquent) with a DSY flag if there is an active order for probation supervision and/or custody order to another agency. This allows for ongoing DSY notification for the judicial officer in the event that there is a review of permanency hearing.

Actions Following Verification of a Dual Status Youth:

Once the human service zone and juvenile court providers are notified that they have a dual status youth on their caseload they are to contact and communicate with one another *within*48 hours in the following ways:

- ❖ For a new delinquency or CHINS referral/citation: The JCO III or his or her designee will contact the appropriate Zone and communicate with the assigned worker and/or supervisor to discuss and share information regarding the youth's case.
- ❖ For new active involvement within child welfare in a local human service zone: The human service zone worker will contact the juvenile court and communicate with the assigned court officer and/or supervisor to discuss and share information regarding the youth's case.

Information to be Shared Between Agencies:

After a notification and verification of a DSY has been received, the assigned human service zone worker and juvenile court officer will have a conversation to discuss the youth to share pertinent information that is important in order to make a proper FCE referral.

Some examples of information to be shared include but are not limited to:

Juvenile Court to Human Service Zones:

- Current and historical delinquent/CHINS referrals
- Probation case plan (services being provided)
- Current/ongoing concerns regarding youth behaviors (e.g. trauma screen)
- Parental cooperation with assisting in the completion of the case plan
- Safety issues in regards to the parents and/or youth

Human Service Zones to Juvenile Court:

- Type of suspected maltreatment and confirmed treatment
- Present and impending danger— current and historical
- Status of intake forms, present danger plans or safety plans
- The subject of the report
- Services being provided and offered
- Case plan information, if applicable
- ❖ All tools and documents as it pertains to the Safety Framework Practice Model (SFPM)

There are times when a DSY is identified as being under the custody of tribal social services. This may happen on the data matching side as they are documented as Title IV-E in FRAME but in tribal custody. In this case, the zone worker should contact juvenile court to notify them of tribal custody. Juvenile court should then reach out to the tribe to discuss any collaborative work that can be done with the youth.

Referral to Family Centered Engagement Meetings:

Once the assigned human service zone worker and juvenile court officer have had conversation to discuss the dual status youth and have shared pertinent information it must then be determined if a referral to a Family Centered Engagement meeting is necessary.

Family Centered Engagement meetings are required to be held within the following circumstances:

When there is active involvement in both systems and it is the youth's first time being identified as dual status.

- When there is active involvement in one system and previous involvement in the other within the last year and it is the youth's first time being identified as dual status
- When there is a youth in detention or another placement who cannot return home

If you receive a DSY notification relating to an emergency removal/shelter care, juvenile court and zones must immediately initiate a FCE to be held within 96 hours prior to the Shelter Care hearing.

** The worker with the most recent case action will make the referral to FCE unless it is determined through initial conversations with human service zone staff and juvenile court staff that one party over the other already has an established relationship with the family and they will make the referral. It is important to work collaboratively to complete the FCE referral form prior to sending to the Village.

The Dual Status Youth Initiative strives for 100% Family Centered Engagement meeting compliance for all youth who have been identified as dual status for the first time.

What to do when you are notified of a DSY and it is a <u>subsequent referral/child welfare</u>
<u>involvement?</u> If the youth has come in on a subsequent referral or child welfare involvement you should:

- Contact the Zone worker or juvenile court officer to discuss current situation
- Review the goals of the current plan
- Determine if another FCE meeting is necessary (See additional meeting examples below)

Additional Family Centered Engagement meetings on subsequent referrals and/or child welfare involvement should also take place if:

- Additional information has been received, or significant change in circumstance has occurred that elevates the child's risk for out of home placement/removal
- There is an additional concern that differs from the original notification/report or another legal charge on the child has been received
- The child's parents/caregivers or other professionals have requested an FCE meeting due to conflict within the child and family team that cannot be mitigated by the agency

Situations where a Family Centered Engagement meeting may not be necessary - There may be situations in which a meeting may not be needed. Any of the following situations may indicate no need to hold a meeting:

- ❖ Parent refusal * When a refusal occurs the JCO/CW will collaborate a develop a plan to address concerns
- Goals of the plan are still appropriate and have not changed
- Juvenile is in out of home placement and no action by the Juvenile Court is requested on the new delinquency
- An FCE may not be appropriate if the nature of the deprivation case involves a criminal investigation
- ❖ Tracking why a meeting wasn't held If there is an exception and a meeting is not held, the juvenile court officer is to access a DSYI Test Screen in CMS to document why a meeting did not take place.

What happens after an initial FCE?

A follow up meeting will be scheduled to occur within 30 days of the initial FCE.

- At initial FCE meeting Zones and JC are to designate the agency that will provide the follow up collaborative meeting. At the end of the FCE meeting the Zone and JC will schedule a collaborative meeting with the family, Zone and JC to take place either in person, telephone or via videoconferencing. The goal of the collaborative follow up meetings are to address the safety plan and to ensure that the services are accessible to the family and will address any other concerns that the family may have.
- ❖ If the follow up meeting falls within the timeframe of when there is also a Children and Family Team Meeting (CFTM) you do not need to hold an additional fallow up meeting and may utilize the CFTM. If the CFTM is used in place of a follow up meeting please remember to include juvenile court.
- ❖ For cases where there is an open case in one agency with a history in the other, the agency with the open case will provide the follow up meeting. If the referral is closed on both sides the follow up meeting process should be a collaborative effort between the zone and juvenile court.

Purpose

Family Centered Engagement Meetings (FCEs):

Family Centered Engagement (FCE) is a service provided by The Village Family Services for Human Service Zones and Juvenile Court in partnership and contract with the North Dakota Department of Human Services. FCE is designed to bring together family members and those with close relationships to the children who are removed, children at risk of removal, and youth who are dual status. FCE is based on the beliefs that:

- A team can be more effective in making good decisions than an individual
- Families are the experts on themselves
- When families are included in decision-making, they are capable of identifying their own needs and strengths
- Members of the family's own community add value to the process by serving as natural allies to the family and as experts on the community's resources.

Goals of FCE: Although each FCE will define its own unique purpose, the following are guidelines for the goals of an FCE:

- Determine if placement of the child outside the home is necessary and/or appropriate
- Engaging families and youth in services to avoid further involvement or deepening their involvement in the Juvenile Court system
- To jointly assess the risk, needs and strengths of the family
- To assure the team members adopt a trauma-informed response to youth and family, including consideration of trauma-specific treatment if appropriate
- Determine roles and responsibilities to accomplish and support the completion of a jointly developed plan.
- Plan for follow up meetings (this could be meetings that are already in place by the agencies working with the family) to check on the status of the case plan.

FCE Attendees

Required:

- Parents
- Youth
- Child Welfare
- Juvenile Court

Other attendees can include:

- Personal supports identified by the youth and family
- Other professional working with the youth and family



Definitions

Juvenile Justice System: The system that involves the use of informal and formal court processes in Juvenile Court and/or the Division of Juvenile Services.

Child Welfare System: A group of services designed to promote the wellbeing of children by ensuring safety, achieving permanency and strengthening families to successfully care for their children. The child welfare system includes Child Protective Services (CPS), In-Home programing, and children who are removed from the home by court order placed in foster care. Children in foster care may also include children under custody of a Tribe, but not Division of Juvenile Services.

Dual Status Youth: Youth who have been involved in both the child welfare and juvenile justice system in North Dakota. This includes youth who have active involvement in one system with concurrent involvement and/or history in the other system.

Active Involvement: Any current involvement/open case with a child welfare of juvenile justice entity.

Open Case in Child Welfare: Any case open with active involvement in child welfare to include children with an open assessment (Child Protection, Family Services, and Alternative Response), those children who were identified as a victim in a child protection assessment with an assessment outcome of "Confirmed", in-home programming, and foster care.

Open Case in Juvenile Justice System: Any case open with active involvement in the juvenile court and/or the Division of Juvenile Services to include children on diversions by the court, informal probation, formal probation, and/or custody to the Division Juvenile Services.

Open Child Protection Assessment: A child protection services report that is currently open for assessment by the Human Service Zone under assessment by the Zone.

Confirmed: A determination made by the Department of Human Services as a result of a child protection assessment. When a decision is made of "<u>Confirmed</u>," it means that upon completion of a child protection assessment, the department determines, based upon a preponderance of the evidence, that a child meets the definition of an abused or neglected child, and the department confirms the identity of a specific person for the child's welfare which is responsible for the abuse or neglect.

Confirmed with an Unknown Subject: A determination made by the Department of Human Services as a result of a child protection assessment. When a decision is made of "Confirmed with an unknown subject," it means that upon completion of a child protection assessment, the department determines, based upon a preponderance of the evidence, but the evidence does not confirm the identity of a specific person responsible for the child's welfare which is responsible for the abuse or neglect.

Protective Services: Services performed after an assessment of a report of child abuse or neglect has been conducted, such as a social assessment, service planning, implementation of services plans, treatment services, referral services, coordination with referral sources, progress assessment, monitoring service delivery and direct services.

Child Welfare Safety Framework Practice Model: Safety Framework refers to all the decisions and actions required throughout child welfare agency involvement with the family to assure that an unsafe child is protected. Safety Framework respects the constitutional rights of each family member and utilizes the least intrusive intervention to keep a child safe. Safety Framework consists of:

- Collecting information about the family to assess child safety;
- Identifying and understanding present and impending danger threats;
- Evaluating parent/caregiver protective capacities;
- Determining if a child is safe or unsafe; and
- Taking necessary action to protect an unsafe child.

Unsupervised Probation/Supervised Probation: Probation is a period of time in which a juvenile court officer is assigned to oversee conditions imposed by the court or agreed to in an informal adjustment agreement. Standard conditions of probation typically will include law-abiding behavior, school attendance, and successful completion of assigned classes, programs, evaluations, or counseling. Supervised probation involves direct contact with a JCO multiple times per month. Unsupervised probation involves limited direct contacts with a JCO with the case being indirectly monitored.

Pending Intake Decision: Referrals to Juvenile Court arrive daily from law enforcement, agencies, private third parties, and schools. A preliminary inquiry is completed by Juvenile Court and a decision as to how to proceed in the matter (diversion, informal, formal, etc.) is based on the intake matrix.

Diversion That Has Not Been Completed: An intervention strategy made by a person with authority which directs the child away from formal court processing to a specifically designed program or activity to hold the child accountable for the actions of the child and prevents further involvement in the formal legal system that has not been successfully completed due to noncompliance.

New Delinquent Report and Under the Custody of DJS: Referrals for youth already under the custody of DJS that receive additional citations while under their custody are reviewed by the Juvenile Court. A determination is made based on best practice and communication with DJS as to how the citation will be handled in Juvenile Court.



Dual -Systems Collaborating to Improve Outcomes!

MEMORANDUM OF UNDERSTANDING ON INFORMATION SHARING

I. <u>Parties</u>

This Memorandum of Understanding (hereinafter ""MOU" is entered into by the state of North Dakota, acting by and through the North Dakota Department of Human Services (hereinafter "DHS") and the Office of North Dakota State Court Administrator (hereinafter "COURT"). DHS and COURT may each be referred to herein as a "Party" or collectively as the "Parties."

II. <u>Effective Date, Term, and Termination</u>

This MOU is effective upon the last day of execution by both Parties through their authorized agents on the dates set out below. This MOU shall continue indefinitely from the date of execution until terminated by either Party. Either Party, with or without cause, may terminate this MOU upon written notice of termination, stating the effective date of such termination.

III. <u>Purpose</u>

The purpose of this MOU is to facilitate the sharing of information between DHS and COURT so that both entities may better address the needs of and provide services to children involved in both the child welfare services system and the juvenile justice system.

IV. Sharing of Information

- DHS and COURT agree to share personal identifiable information necessary to identify a child and their family who are currently involved in the child welfare services system and the juvenile justice system.
- 2. Data records will be retained in accordance with State law or rules.
- 3. Information will be transferred from each Party's data system into a separate database accessible only to mutually authorized DHS and COURT officials who have been designated to identify children involved in both the child welfare services system and the juvenile justice system.
- 4. This separate database will be hosted on state servers and protected with

appropriate security measures to the degree necessary under state and federal law.

- 5. Access to this database will be only granted by mutual agreement of both Parties based on clearly defined purpose and usage parameters.
- 6. Access to this database and any secondary access required to the Parties' source databases will be audited yearly by OHS and both Parties must reauthorize existing access.
- 7. For any child identified through this process, a representative from OHS or COURT will contact their authorized counterpart to exchange minimum information necessary to carry out COURT's and DHS's responsibilities under the law.
- 8. Both Parties agree and acknowledge that neither Party will be held responsible for omissions or errors in the information furnished to each other under this MOU. Furthermore, neither Party makes any representations, either expressed or implied, regarding accuracy, use, nor fitness for any specific or general purpose of the information furnished to each other, other than the information was current at the time of transmission to each other.
- 9. The Parties agree to conform to all applicable federal and state laws in effect during the period of this MOU which, in any manner, affect the access and utilization of any maintained information the Parties acquire and use under this MOU.
- 10. Either Party will notify the other of any breaches of this database within five business days from the date of first notice. Both Parties will assist each other in fulfilling their respective duties.
- 11. All information obtained as a result of this MOU is to be used exclusively for the purposes described herein.

V. Authorization

Sharing and use of information between COURT and OHS must comply with North Dakota Century Code Sections 27-20-51 and 50-25.1-11, the federal Child Abuse Prevention and Treatment Act (P.L. 93-247), and all other provisions of federal and state law in connection with the activities as defined under this MOU.

VI. Integration, Modification and Conflict in Documents

This MOU constitutes the entire agreement between the Parties. The terms of this

MOU may not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except by written instrument signed by the Parties, and attached to this MOU. Such waiver, consent, modification, or change, if made, will be effective only in the specific instance and for the specific purpose given.

VII. Force Majeure

If performance of this MOU is rendered impossible or is delayed, interrupted, or prevented by reason of any strike or similar labor difficulty, accident, fire, explosion, flood, mobilization, war, hostilities, riot, rebellion, revolution, blockade, act of public enemies, act of God, act of the federal or state government, or by any other cause, whether or not specifically enumerated above, which is beyond the reasonable control of the Parties, then the Parties may be excused from performance of any obligation under this MOU.

VIII. Applicable Law and Venue

Parties agree that this MOU will be governed by and construed in accordance with applicable federal law and the laws of the state of North Dakota.

IX. <u>Confidentiality</u>

Parties acknowledge that, during and after the term of this MOU, they share an obligation and responsibility to protect personal identifiable information obtained and used in the performance of this MOU.

X. Notice

All notices, certificates, or other communications are given when delivered or mailed, postage prepaid, to the Parties at their respective places of business as set forth below or at a place designated in writing by the Parties.

XI. <u>Disputes</u>

In the event of any disagreement between COURT and DHS arising under or relating to the performance of this MOU, the Parties must, upon written request of either Party, consult and work together in good faith and in a timely manner to resolve the disagreement. Any dispute that is not resolved or mutually extended by means of consultation within thirty (30) days of the written request for consultation will automatically terminate the continued sharing of the disputed information or the disputed use of the information in question.

XII. Assignment

Neither Party may assign nor transfer their interests or duties under this MOU without the express written consent of the other Party.

XIII. <u>Severability</u>

If any term of this MOU is declared by a court having jurisdiction to be illegal or unenforceable, the validity of the remaining terms will not be affected and, if possible, the rights and obligations of the Parties are to be construed and enforced as if the MOU does not contain the illegal or unenforceable term.

XIV. Signatures

DHS and COURT, by the signature below of their authorized representatives, hereby acknowledge that DHS and COURT have read this MOU, understand it, and agree to be bound by its terms and conditions.

CHRISTOPHER DESCRIPTION EXECUTIVE DIRECTOR

DATE

DATE 9/18/18_

North Dakota Department of Human Services (DHS)

600 E Boulevard Ave, Dept. 325 Bismarck, ND 58505-0250 Telephone: (701) 328-2538 Email: cdjones@nd.gov

NORTH DAKOTA STATE COURT ADMINISTRATOR

Office of North Dakota State Court Administrator (COURT)

600 E Boulevard Ave, Dept. 180

Bismarck, ND 58505

Telephone: (701) 328-4216 Email: sholewa@ndcourts.gov